

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

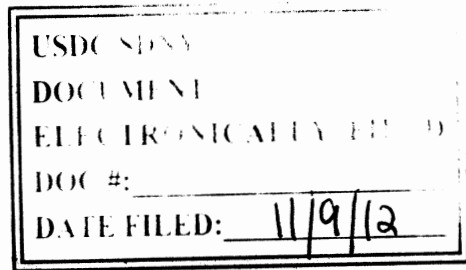
JOSHUA FOGEL, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

LIVE NATION ENTERTAINMENT, INC.,

Defendant.



12 Civ. 6816 (JMF)

**STIPULATION AND [PROPOSED] ORDER
TO COMPEL ARBITRATION AND STAY
CASE PENDING ARBITRATION**

The parties, by and through their undersigned counsel, stipulate to the following:

WHEREAS, Plaintiff commenced this purported class action on September 10, 2012;

WHEREAS, Plaintiff's claim arises from a purchase of a ticket to an entertainment event
on December 9, 2011; and

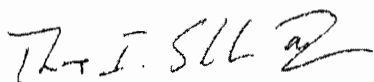
WHEREAS, Defendant shall provide Plaintiff with an affidavit or declaration
establishing that the Terms of Use published on Defendant's website at all times since June 15,
2011 has provided for arbitration before JAMS,

NOW, THEREFORE IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
COURT APPROVAL, THAT:

1. The parties hereby agree to proceed forthwith to arbitrate their dispute before JAMS.
2. This case shall be stayed pending the outcome of the arbitration.
3. The parties' arbitration will not be a class arbitration.
4. The arbitrator shall have the same power to adjudicate the dispute and to award relief that the Court would have if the dispute were adjudicated judicially.

5. Defendant shall pay all invoices from JAMS within 15 days of receipt, both in this matter and in the pending JAMS arbitration captioned *Tegtmeier v. Live Nation Entertainment, Inc.*, JAMS REF# 1425012229.

Dated: New York, New York
November 9, 2012




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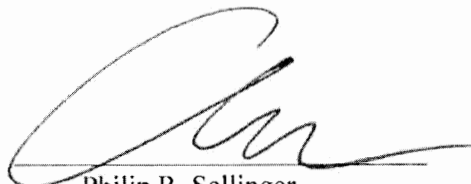
and

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Attorneys for Plaintiffs

SO ORDERED:



U. S. D. J.
November 9, 2012

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Attorneys for Defendant

In light of the parties' stipulation, the Clerk of Court is directed to administratively close this case, subject to the right of either party to reopen within 30 days of a decision by the arbitrator or on showing of good cause. All conferences are cancelled. All motions are moot.